

REMARKS

Claims 1-36 are pending in the application and stand rejected.

Claim Objections

Claim 26 stands objected to for depending from itself. This obvious typographical error has been corrected via amendment herein.

Double Patenting

Claims 1-31 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-23 and 25-32 of co-pending Application Serial No. 10/763,732. The claims in S/N 10/763,732 have been canceled, and Applicants submit that the newly presented claims therein are not directed to the same invention as that of claims 1-31 in the present application.

Rejection under 35 U.S.C §102

Claims 1, 2, 4, 5 and 9-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,312,251 to Marks et al. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference. Claim 1 recites, *inter alia*, a locking device to lock said first cover to said first channel member, said locking device being releasable only from within said first channel member, and release means for releasing said locking device and accessible through an open end of said first channel member, whereby said hollow first conduit section can be disassembled only by release of said locking device by access through an open end of said conduit section. The alleged "locking device (22)" of Marks is in actuality a connector (col. 1, l. 72) and the "release means (48)" identified by the Examiner are nothing more than tongue portions received into the connector but which have no release functions whatsoever (please see col. 2, ll. 32-39). Connector 22 connects adjacent duct sections (20, 21)

but does not, and indeed cannot, lock the duct cover 42 to the channel-shaped body portion (44, 45, 46) as per the present claims.

The only devices that appear to be capable of locking the duct cover to the channel-shaped body portion are the screws 39. These screws are very clearly and unequivocally shown and described as extending through the keyhole slots 74 in the duct cover 42 so that they can be turned and shifted so as to align or misalign them with the narrow portions of the keyhole slots. As clearly shown (*e.g.* Fig. 12) and disclosed (col. 3, ll. 52-62) the screws 39 are turned and shifted from the outside of the duct. Thus, these screws cannot possibly be understood as being releasable only from within said first channel member and accessible only through an open end thereof. As a matter of fact, they meet none of these limitations – the screws are not operable from within, as they can only be turned and shifted from outside of the duct, and they are not at all accessible through an open end of the duct, for the very same reason.

The features discussed above are present in all claims of the application. Applicants thus submit that all 36 pending claims are in fact novel and patentable over the Marks reference, and respectfully request the Examiner to withdraw this rejection and pass the case to issue.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

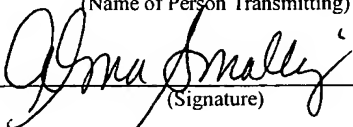
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(Date of Transmission)

Alma Smalling

(Name of Person Transmitting)

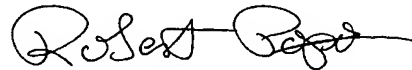


(Signature)

10/7/05

(Date)

Respectfully submitted,



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